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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE JDS UNIPHASE CORPORATION
SECURITIES LITIGATION

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)
) **Master File No. C 02-1486 CW (EDL)**
)
) **CLASS ACTION**
)
)
)
) **LEAD PLAINTIFF'S REVISED**
) **VERDICT FORM**
)
)

This Document Relates To:
All Actions

I. SECTION 10(b) LIABILITY

Please answer the questions below for each statement on the list of challenged statements (Exhibit A) and indicate your unanimous answers on the verdict table (Exhibit B). If a box on the verdict table is shaded in or already filled in, that means that the question does not apply to the corresponding statement or that the parties have agreed to a given answer. Please skip any question that is shaded in or already answered. Please answer yes or no for any question that is not shaded.

A. Which of the individual defendants do you find, by a preponderance of the evidence, was substantially involved in the preparation of the challenged statement?

B. Do you find, by a preponderance of the evidence, that this challenged statement contains an untrue statement of a material fact, or omits a material fact necessary under the circumstances to keep the statement that was made from being misleading?

If you answered “Yes,” please proceed to question C. If you answered “No,” please return to question A for the next statement.

C. Do you find by a preponderance of the evidence that the statement was made with knowledge that it was false or misleading?

If you answered “Yes” please proceed to Question D. If you answered “No,” please return to Question A for the next statement.

D. Do you find by a preponderance of the evidence that the statement was made with a highly unreasonable disregard for whether it was false or misleading that (i) was an extreme departure from the standards of ordinary care and (ii) presented a danger of misleading investors

1 that was either known to the author or speaker or was so obvious that he must have been aware
2 of it?

3 **If you answered “Yes,” please proceed to question F. If you answered “No,” please**
4 **return to question A for the next statement.**

5
6 E. Do you find by a preponderance of the evidence that the forward-looking
7 statement was not accompanied by meaningful cautionary statements identifying factors that
8 could cause actual results to differ materially from those in the forward-looking statement?

9
10 **If you answered “Yes,” please proceed to question F. If you answered “No,” please**
11 **return to question A for the next statement.**

12
13 F. Do you find by a preponderance of the evidence that there is a substantial
14 likelihood that a reasonable investor would consider the statement important in deciding whether
15 to buy, sell or trade JDSU securities?

16
17 **If you answered “Yes” please proceed to Question G. If you answered “No,” please**
18 **proceed to Question A for the next statement.**

19
20 G. Do you find by a preponderance of the evidence that the untrue statement of
21 material fact, or the omitted material fact, played a substantial part in causing a loss to plaintiffs?

22
23 **If you answered “Yes,” please proceed to question H. If you answered “No,” please**
24 **return to question A for the next statement.**

25
26 H. Do you find that any of the following individuals directly or indirectly controlled
27 the person who made the statement above, directly or indirectly induced the person to make the
28

statement, and did not act in good faith? If so, check “Yes” in the column below the individual’s name on Exhibit B.

Please return to question A for the next statement. Once you have responded to all questions for all 24 statements please proceed to Section II.

II. SECTION 14 LIABILITY

Dr. Jozef Straus

1. Did you find that Defendant Straus made statement number 10?

YES ____

NO ____

2. Do you find, by a preponderance of the evidence, that Defendant Straus failed to act with ordinary or reasonable care when he made statement number 10?

YES ____

NO ____

Tony Muller

1. Did you find that Defendant Muller made statement number 10?

YES ____

NO ____

2. Do you find that, by a preponderance of the evidence, Defendant Muller failed to act with ordinary or reasonable care when he made statement number 10?

YES ____

NO ____

1 **III. SECTION 11 LIABILITY**

2
3 A. Jozef Straus

4 1. Did you find that Defendant Straus made Statement 10? (*See* Exhibit B, column A)

5
6 2. If yes, do you find by a preponderance of the evidence, that Defendant Straus acted with
7 reasonable diligence?

8 YES ____

9 NO ____

10
11 3. If yes, do you find by a preponderance of the evidence that Defendant Straus had
12 reasonable ground to believe, and did believe, that the statement was true and that there was no
13 omission making it materially misleading?

14
15 **If yes, please skip to B below. If no, please answer Question 4.**

16
17 4. Do you find, by a preponderance of the evidence, that defendant Straus had no
18 reasonable basis to believe, and did not believe, that the audited financial statement that Ernst &
19 Young prepared for the fiscal year ended June 30, 2000 was untrue or omitted material
20 information necessary to make it true?

21
22 **If yes, please skip to B below. If no, please answer Question 5.**

23
24 5. Do you find, by a preponderance of the evidence, that some portion of the decline in the
25 value of JDSU's stock resulted from something other than statement 10 being false? If no, skip
26 to B below.

27
28 6. If yes, what portion of the decline in the value of JDSU's stock resulted from statement

1 10 being false? _____%

2

3 7. Did you find that Defendant Straus made Statement 16? (See Exhibit B, column A)

4

5 8. If yes, do you find by a preponderance of the evidence, that Defendant Straus acted with
6 reasonable diligence?

7 YES _____

8 NO _____

9

10 9. If yes, do you find by a preponderance of the evidence that Defendant Straus had
11 reasonable ground to believe, and did believe, that the statement was true and that there was no
12 omission making it materially misleading?

13

14 **If yes, please skip to B below. If no, please answer Question 10.**

15

16 10. Do you find, by a preponderance of the evidence, that some portion of the decline in the
17 value of JDSU's stock resulted from something other than statement 16 being false? If no, skip
18 to B below.

19

20 11. If yes, what portion of the decline in the value of JDSU's stock resulted from statement
21 16 being false? _____%.

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B. Tony Muller

1. Did you find that Defendants Muller made Statement 10? (*See* Exhibit B, column A)

2. If yes, do you find by a preponderance of the evidence, that Defendant Muller acted with reasonable diligence?

YES ____

NO ____

3. If yes, do you find by a preponderance of the evidence that Defendant Muller had reasonable ground to believe, and did believe, that the statement was true and that there was no omission making it materially misleading?

If yes, please skip to C below. If no, please answer Question 4.

4. Do you find, by a preponderance of the evidence, that defendant Muller had no reasonable basis to believe, and did not believe, that the audited financial statement that Ernst & Young prepared for the fiscal year ended June 30, 2000 was untrue or omitted material information necessary to make it true? If yes, please skip to B below. If no, please answer Question 5.

5. Do you find, by a preponderance of the evidence, that some portion of the decline in the value of JDSU's stock resulted from something other than statement 10 being false? If no, skip to B below.

6. If yes, what portion of the decline in the value of JDSU's stock resulted from statement 10 being false? _____%

7. Did you find that Defendant Muller made Statement 16? (*See* Exhibit B, column A)

1
2 8. If yes, do you find by a preponderance of the evidence, that Defendant Muller acted with
3 reasonable diligence?

4 YES ____

5 NO ____

6
7 **If yes, please skip to C below. If no, please answer Question 10.**

8
9 9. If yes, do you find by a preponderance of the evidence that Defendant Muller had
10 reasonable ground to believe, and did believe, that the statement was true and that there was no
11 omission making it materially misleading?

12
13 10. Do you find, by a preponderance of the evidence, that some portion of the decline in the
14 value of JDSU's stock resulted from something other than statement 16 being false? If no, skip
15 to C below.

16
17 11. If yes, what portion of the decline in the value of JDSU's stock resulted from statement
18 16 being false? ____%.

C. JDSU

1. Did you find that JDSU made Statement 10? (See Exhibit B, column A)

2. If yes, do you find by a preponderance of the evidence, that JDSU did not know and in the exercise of reasonable care, could not have known, that statement 10 was false or omitted information necessary to make it true?

YES ____

NO ____

If yes, please skip to Section IV below. If no, please answer question number 3.

3. Do you find, by a preponderance of the evidence, that some portion of the decline in the value of JDSU's stock resulted from something other than statement 10 being false?

If "No," please skip to Question 5.

4. If yes, what portion of the decline in the value of JDSU's stock resulted from statement 10 being false? _____%

5. Did you find that JDSU made Statement 16? (See Exhibit B, column A)

6. If yes, do you find by a preponderance of the evidence, that JDSU did not know and in the exercise of reasonable care, could not have known, that statement 10 was false or omitted information necessary to make it true?

YES ____

NO ____

If yes, please skip to Section IV below. If no, please answer question number 7.

1 7. Do you find, by a preponderance of the evidence, that some portion of the decline in the
2 value of JDSU's stock resulted from something other than statement 16 being false?

3
4 **If "No," please skip to Section IV below.**

5
6 8. If yes, what portion of the decline in the value of JDSU's stock resulted from statement
7 16 being false? _____%

8
9 **IV. SECTION 12 LIABILITY**

10
11 **JDSU**

12 1. Did you find that JDSU made statement 10? (See Exhibit A, column B)

13
14 2. Did you find that the falsity of statement 10 was material? (See Exhibit A, Column C)

15 **[If no, skip to Section V below. If yes, please answer Question 3]**

16
17 3. Do you find, by a preponderance of the evidence, that JDSU did not know, and in the
18 exercise of reasonable care could not have known, that statement 10 was false or omitted
19 information necessary to make it true? If yes, skip to Section V below. If no, please answer
20 Question 4.

21
22 4. Do you find, by a preponderance of the evidence, that some portion of the decline in the
23 value of JDSU's stock resulted from something other than statement 10 being false?

24
25 5. If yes, what portion of the decline in the value of JDSU's stock resulted from statement
26 10 being false? _____%

V. SECTION 15 LIABILITY

1. Identify from the list below any individual defendant that you unanimously find, at the time of statement 10, (1) exerted direct or indirect power or influence over the person who committed the violation at the time of violation, (2) was a culpable participant in making the materially false or misleading statement.

Mr. Straus _____

Mr. Abbe _____

Mr. Muller _____

VI. SECTION 20 LIABILITY

1. Identify from the list below each defendant who sold JDSU stock with actual knowledge of material non-public information:

Mr. Straus _____

Mr. Kalkhoven _____

Mr. Abbe _____

Mr. Muller _____

2. If you answered yes, please fill in the inflation percentage for each date on which you find the defendant made a sale in violation of 20A. If you find that the Defendant did not violate 20A on a particular date please insert a zero under inflation percentage.

Dr. Jozef Straus - Insider Selling Damages

Stock Sale Date	Inflation Percent
8/1/00	%
8/1/00	%
8/1/00	%
8/1/00	%
8/1/00	%
8/4/00	%
8/4/00	%
8/7/00	%
8/7/00	%
8/7/00	%
8/7/00	%
8/8/00	%
2/1/01	%
2/1/01	%
3/6/01	%
3/6/01	%

Kevin Kalkhoven – Insider Selling Damages

Stock Sale Date	Inflation Percent
5/22/00	%
5/22/00	%
5/24/00	%
7/31/00	%
7/31/00	%
8/4/00	%
8/7/00	%
8/21/00	%
8/22/00	%
8/22/00	%
8/31/00	%
8/31/00	%
9/1/00	%
9/7/00	%
9/12/00	%
9/18/00	%
9/19/00	%
9/20/00	%
9/21/00	%
9/22/00	%
9/25/00	%
9/27/00	%
9/28/00	%

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10/5/00	%
10/10/00	%
10/11/00	%
10/13/00	%
10/16/00	%
10/25/00	%
10/27/00	%
11/1/00	%
1/18/01	%
3/22/01	%
4/11/01	%

Tony Muller – Insider Selling Damages

Stock Sale Date	Inflation Percent
5/22/00	%
5/30/00	%
7/31/00	%
8/1/00	%
8/2/00	%
8/4/00	%
8/4/00	%
8/4/00	%
8/4/00	%
8/7/00	%
8/7/00	%
8/8/00	%
8/11/00	%
8/11/00	%
8/14/00	%
8/14/00	%
8/16/00	%

Charles Jay Abbe – Insider Selling Damages

Stock Sale Date	Inflation Percent
8/1/00	%
8/11/00	%
2/26/01	%
2/27/01	%
2/28/01	%

VII. A. Damages under Sections 10(b), 14a, & 20

If you answered yes to any of the questions in column G, please fill in the percentage by which JDSU's stock was inflated on the dates below.

Period	Begin Date	End Date	Percentage Inflation
1	4/26/00	7/25/00	%
2	7/26/00	7/26/00	%
3	7/27/00	8/31/00	%
4	9/1/00	10/24/00	%
5	10/25/00	10/25/00	%
6	10/26/00	1/25/01	%
7	1/26/01	1/28/01	%
8	1/29/01	2/15/01	%
9	2/16/01	3/28/01	%
10	3/29/01	4/19/01	%
11	4/20/01	4/22/01	%
12	4/23/01	4/23/01	%
13	4/24/01	4/24/01	%
14	4/25/01	6/14/01	%
15	6/15/01	6/17/01	%
16	6/18/01	7/26/01	%
17	7/27/01	8/31/01	%

B. PROPORTIONATE LIABILITY FOR 10(b)¹

For each defendant that violated Section 10(b), please fill in the percentage of responsibility in the table below. The total of all percentages must equal 100%.

A	B	C
Defendant	Did this Defendant violate Section 10(b)?	Percentage of Responsibility
Dr. Jozef Straus	Yes or No	%
Tony Muller	Yes or No	%
Jay Abbe	Yes or No	%
JDSU	Yes or No	%

¹ Lead Plaintiff proposes that the Court recess briefly to complete column B of the proportionate liability table based on the jury's answers in the table of Exhibit B for 10(b) liability before submitting the proportionate liability table to the jury.